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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-576*

13 **CHARLES F. NUQUI**
14 **398 Man O War Dr.**
15 **Inverness, FL 34453**

ACCUSATION

Registered Nursing License No. 529047

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about January 15, 1997, the Board of Registered Nursing issued Registered
22 Nursing License Number 529047 to Charles F. Nuqui (Respondent). The Registered Nursing
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on September 30, 2014, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

"(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUGS

10. Hydrocodone is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(I) and is a dangerous drug per Code section 4022, used for moderate to severe pain relief.

11. Hydromorphone with Acetaminophen (“Dilaudid”) is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(J) and a dangerous drug as designated by Business and Professions Code section 4022, used for pain relief.

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1 FIRST CAUSE FOR DISCIPLINE

2 (USING CONTROLLED SUBSTANCE IN A MANNER DANGEROUS TO SELF OR
3 OTHERS)

4 12. Respondent is subject to disciplinary action under section 2762(b) in that he used a
5 controlled substance in a manner dangerous to himself or others. The circumstances are as
6 follows:

7 13. On or about May 18, 2011, while on duty as a registered nurse in the Post Anesthesia
8 Care Unit at Washington Hospital in Fremont, California, Respondent was observed to have
9 glossy eyes, was wearing his head covering crooked and untied, giggling inappropriately while
10 taking care of patients, and dancing at a patient's bedside. On the same date he was also observed
11 to be slow to act and depressed. On that day, he tested positive for the opiates, hydromorphone
12 and hydrocodone, in his system. Respondent admitted to being under the influence at work.
13 Respondent underwent detoxification and rehabilitation at Mills Peninsula Hospital from June 8,
14 2011 to June 28, 2011, then underwent intensive outpatient treatment until September 21, 2011.

15 SECOND CAUSE FOR DISCIPLINE

16 (UNPROFESSIONAL CONDUCT)

17 14. Respondent is subject to disciplinary action under section 2761(a) in that he acted
18 unprofessionally, as alleged above in paragraph 13.

19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nursing License Number 529047, issued to
23 Charles F. Nuqui;

24 2. Ordering Charles F. Nuqui to pay the Board of Registered Nursing the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: JANUARY 19, 2013 *for* *Stacie Benson*
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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